



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

CN# 11-05

MEMORANDUM

To: School Health & Nutrition Program Sponsors

From: Mary Szafranski, Deputy Associate Superintendent
Arizona Department of Education, Health & Nutrition Unit

Holly Mohr, Program Director
Arizona Department of Education, School Health & Nutrition Programs

Date: September 1, 2004

RE: Re-issuance of Policy on Limited Disclosure of Children's Eligibility Information to the National Assessment of Educational Progress (NAEP).

Over the past several months there have been concerns regarding disclosure of free and reduced eligibility information. There are particular programs that this information could be disclosed to and this memo will specifically address the Federal education program National Assessment of Educational Progress (NAEP).

NAEP is also known as the "Nation's Report Card" and is the only national assessment of what America's students know and can do in various subject areas. The No Child Left Behind Act of 2001 clearly provides strong incentives for school districts and states to participate in NAEP. Beginning with the 2002-2003 school year, those states that wished to receive Title I grants from the federal government had to participate in the biennial fourth-grade and eighth-grade NAEP reading and mathematics assessments.

As described in memo CN#15-03, Title I now requires States and LEAs to measure and report publicly on the progress of all students, including students who are economically disadvantaged. For many LEAs, the information to determine the economic status of a student is likely derived from the National School Lunch Program (NSLP) free and reduced-price eligibility data

collected on a yearly basis. Thus, this information may be requested for the above-mentioned program.

Local Education Agencies (LEA) may disclose, without parental/guardian consent, children's names and eligibility status (whether they are eligible for free meals or free milk or reduced price meals) to persons **directly** connected with the administration or enforcement of the Federal program NAEP.

The term "persons directly connected" for the purpose of disclosure to NAEP includes Federal, State and local program operators responsible for NAEP program administration. This does not imply that these persons should have routine access to student's eligibility status. There must be a "need to know" for legitimate NAEP purpose.

It is highly recommended that LEA's inform households if they plan to disclose their students eligibility information outside the National School Lunch or Breakfast Program. Additionally, it is suggested that the LEA sign a written agreement with the NAEP officials that identifies the following items:

- Who will receive the student eligibility status.
- How it will be used.
- Description of how the information will be protected from unauthorized uses and disclosures.
- Description of the penalties for using such information unofficially.

For further clarification on additional "approved programs" that limited disclosure of meal eligibility may be shared, please refer to memo CN#15-03 "Release of Free and Reduced Price Meal Eligibility Information", dated January 31, 2003.

If you have questions or concerns regarding this memo, please contact your assigned School Health & Nutrition Program Specialist.

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